

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**LEO L. DURAN,**

**Plaintiff,**

**v.**

**No. 09-cv-0758 BB/SMV**

**CURRY CNTY. ADULT DET. CTR.,  
PRESBYTERIAN HOSP.,  
FNU BEAN, LESLIE DONALDSON,  
JANICE DAVIS, TAMARA CURTIS,  
FNU KAMERMAN, TERI LESLIE, and  
BD. OF CNTY. COMM'RS OF CURRY CNTY.,**

**Defendants.**

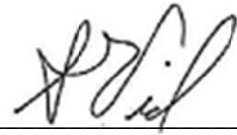
**ORDER**

THIS MATTER is before the Court sua sponte. Defendant Donaldson may refile his Motion for Summary Judgment in light of the Sixth Amended Complaint no later than September 27, 2012.

Plaintiff filed his [Sixth] Motion for Leave to File an Amended Complaint [Doc. 145] ("Sixth Motion to Amend") on February 24, 2012. While the Plaintiff's Sixth Motion to Amend was pending, on June 4, 2012, Defendant Donaldson filed a Motion for Summary Judgment. Defendant Dr. Donaldson's Motion for Summary Judgment [Doc. 156] and Defendant Dr. Donaldson's Memorandum in Support of Motion for Summary Judgment [Doc. 157] (collectively, "MSJ"). On June 5, 2012, the Court stayed briefing on the MSJ pending resolution of the Sixth Motion to Amend. The Honorable Bruce D. Black, Chief United States District Judge, adopted the undersigned's recommendations and granted in part and denied in part the Sixth Motion to Amend on July 16, 2012. Order Adopting Proposed Findings and

Recommended Disposition to Grant in Part and Deny in Part Plaintiff's Sixth Motion to Amend [Doc. 169]. Defendant Donaldson answered the Sixth Amended Complaint on August 9, 2012. Dr. Donaldson's Answer to Plaintiff Duran's [Sixth] Amended Complaint [Doc. 176]. The Sixth Amended Complaint supplants any previous complaint, which is left "without legal effect." *Mink v. Suthers*, 482 F.3d 1244, 1254 (10th Cir. 2007) (internal quotation marks omitted). Therefore, if Defendant Donaldson wishes to file a motion for summary judgment based on the current complaint, he must do so no later than **September 27, 2012**.

**IT IS SO ORDERED.**



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**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**